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ELI MATTHEWS

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

ELI MATTHEWS, an individual,

Plaintiff,

v.

COUNTY OF LOS ANGELES, a
public entity; LOS ANGELES
COUNTY SHERIFF'S
DEPARTMENT, a public entity;
JAIME ROMERO, individually;
ALBERT MACIAS, individually;
DAVID VEGA, individually; HILDA
RUIZ, individually; ABEL
SANDOVAL, individually; DANIEL
CONTRERAS, individually; and
DOES 1-10, inclusive,

Defendants.

CASE NO.: 2:24-cv-1483

COMPLAINT FOR DAMAGES

1. Excessive Force in Violation of the Fourth Amendment (42 USC § 1983)
2. Failure to Intervene in Violation of the Fourth and Fourteenth Amendments (42 U.S.C. § 1983)
3. Municipal Liability – Unconstitutional Policy, Practice or Custom (*Monell*, 42 USC § 1983)
4. Municipal Liability – Failure to Train, Supervise, Discipline or Correct (*Monell*, 42 USC § 1983)
5. Negligence
6. Battery by Peace Officer
7. Violation of California Civil Code § 52.1 (Tom Bane Act)

DEMAND FOR JURY TRIAL

INTRODUCTION

1
2 1. This is a civil rights action seeking monetary damages against Defendants
3 COUNTY OF LOS ANGELES (hereafter “COUNTY”) and LOS ANGELES
4 COUNTY SHERIFF’S DEPARTMENT (hereinafter “LASD”) (hereinafter
5 collectively “COUNTY DEFENDANTS”), and Defendants JAIME ROMERO
6 (hereinafter sometimes referred to as “ROMERO”), ALBERT MACIAS (hereinafter
7 sometimes referred to as “MACIAS”), DAVID VEGA (hereinafter sometimes referred
8 to as “VEGA”), HILDA RUIZ (hereinafter sometimes referred to as “RUIZ”), ABEL
9 SANDOVAL (hereinafter sometimes referred to as “SANDOVAL”), DANIEL
10 CONTRERAS (hereinafter sometimes referred to as “CONTRERAS”) (hereinafter
11 collectively “DEPUTY DEFENDANTS”), and Defendants DOES 1-10, inclusive,
12 stemming from an excessive force incident involving Defendants and Plaintiff ELI
13 MATTHEWS (hereafter referred to as “MATTHEWS”).

14 2. On January 17, 2023, Defendant ROMERO pummeled MATTHEWS’
15 head over and over again by pounding his fists
16 repeatedly against the left side of MATTHEWS’
17 face. Defendant ROMERO brutally assaulted
18 MATTHEWS despite MATTHEWS being unarmed
19 at the time, and MATTHEWS was not presenting an
20 imminent threat of death or serious bodily injury to
21 Defendant ROMERO.



22 3. Defendant ROMERO caused
23 MATTHEWS significant injuries including a
24 fractured orbital socket, a traumatic brain injury,
25 among other ongoing injuries. Fortunately,
26 MATTHEWS survived Defendant ROMERO’s use
27 of excessive force.
28

1 4. As Defendant ROMERO viciously assaulted MATTHEWS, Defendants
2 MACIAS, VEGA, RUIZ, SANDOVAL, and CONTRERAS failed to take any
3 appropriate action to intervene and prevent serious bodily injury to MATTHEWS.

4 5. In using such unreasonable and excessive force, without intervention,
5 Defendants ROMERO, MACIAS, VEGA, RUIZ, SANDOVAL, and CONTRERAS,
6 and each of them, violated Plaintiff MATTHEWS's constitutional rights including his
7 Fourth Amendment rights under the United States Constitution. Further, the use of
8 excessive force by Defendant ROMERO was due to Defendant LOS ANGELES
9 COUNTY SHERIFF'S DEPARTMENT's and COUNTY OF LOS ANGELES' failure
10 to train their employees.

11 6. Accordingly, this Complaint seeks judicial redress and monetary damages
12 for such constitutional violations.

13 **JURISDICTION AND VENUE**

14 7. This case is properly heard in United States District Court under federal
15 question jurisdiction, pursuant 28 U.S.C. § 1331, as it is a civil suit which presents
16 questions arising exclusively under federal law.

17 8. Venue is proper in the Central District of California, pursuant to 28 U.S.C.
18 § 1391(b)(2), as all incidents, events, and occurrences giving rise to this action occurred
19 in the City of Los Angeles, County of Los Angeles, State of California.

20 **PARTIES**

21 9. Plaintiff ELI MATTHEWS is and was, at all relevant times, a resident of
22 the City of Los Angeles, in the County of Los Angeles, State of California.

23 10. Defendant COUNTY OF LOS ANGELES (hereinafter sometimes
24 referred to as "COUNTY") is a municipality with the capacity to sue and be sued.

25 11. Defendant LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
26 (hereinafter sometimes referred to as "LASD"), is a public entity pursuant to
27 Government Code Section 811.2 with the capacity to sue and be sued. *See Streit v.*
28 *Cnty. of Los Angeles*, 236 F.3d 552 (9th Cir. 2001).

1 12. At all relevant times, Defendants JAIME ROMERO, ALBERT MACIAS,
2 DAVID VEGA, HILDA RUIZ, ABEL SANDOVAL, DANIEL CONTRERAS, and
3 DOES 1-10, inclusive, were individuals employed as deputies with the Defendant LOS
4 ANGELES COUNTY SHERIFF'S DEPARTMENT acting within the course and
5 scope of that employment, under color of law.

6 13. Plaintiff MATTHEWS does not yet know of the exact names or titles of
7 the individual defendants sued fictitiously as DOES 1-10, inclusive. However, Plaintiff
8 MATTHEWS will seek leave to amend this Complaint to allege such names and titles
9 as that information is ascertained.

10 14. Each of the defendants named herein has caused and is responsible for the
11 unlawful conduct and resulting rights violations suffered by Plaintiff MATTHEWS,
12 either through personal participation in the conduct; by acting jointly and in concert
13 with those who did; by authorizing, acquiescing, or failing to take action to prevent or
14 intervene in the unlawful conduct; by promulgating policies or procedures pursuant to
15 which the unlawful conduct occurred; by failing and refusing, with deliberate
16 indifference to the rights and wellbeing of Plaintiff and others similarly situated, to
17 initiate and maintain adequate supervision and/or training of the wrongful actors; or by
18 officially ratifying or endorsing the misconduct of the actors under their supervision,
19 direction, and/or control.

20 15. Whenever and wherever reference is made in a claim for relief to any act
21 or omission by a defendant, such allegation and reference shall also be deemed to mean
22 the acts and omissions of each defendant individually, jointly, and severally.
23 Accordingly, each of the individual defendants is sued in their personal capacities for
24 the harms caused by their acts or omissions, whereas the Defendant LASD and
25 COUNTY are sued vis-a-vis the unconstitutional policies, practices, customs, training
26 failures, and/or official ratifications that were the moving force behind the individual
27 defendants' misconduct.

28 ///

FACTUAL ALLEGATIONS

16. On January 17, 2023, at approximately 8:30 AM, MATTHEWS' mother called 9-1-1 because she saw that her car was missing from her apartment complex located at 4125 Whittier Boulevard in Los Angeles, California.

17. Unbeknownst to MATTHEWS' mother, MATTHEWS had used her car that morning and was still using the car when MATTHEWS' mother contacted 9-1-1.

18. Before any law enforcement arrived, however, MATTHEWS returned to his mother's apartment complex with her car.

19. MATTHEWS' mother called 9-1-1 again to inform them that she no longer needed law enforcement to come to her residence because it was her son, MATTHEWS, who had used the car and had returned the car to her.

20. At all relevant times, MATTHEWS was lawfully present at his mother's apartment.

21. At all relevant times, there was no report of a crime, MATTHEWS was not engaging in a crime, nor was MATTHEWS a threat to the safety of the community.

22. However, while MATTHEWS was at his mother's apartment, Deputy Defendants nonetheless arrived on scene and began seeking to confront and arrest MATTHEWS.

23. Facing the threat of law enforcement, MATTHEWS hid in a closet located in a common area of the apartment complex.

24. After MATTHEWS was chased into a closet in the apartment complex common area, DEPUTY DEFENDANTS began a stand-off with MATTHEWS.

25. MATTHEWS, who was unarmed during his entire interaction with law enforcement, began asking the DEPUTY DEFENDANTS why they were trying to arrest him and what they were trying to arrest him for.

26. After some time, the DEPUTY DEFENDANTS aggressively opened the door to the closet and began using various measures of force on MATTHEWS, who remained inside the closet.

1 27. At this time, Deputy MACIAS fired two (2) 40mm baton less-lethal
2 weapon rounds at MATTHEWS while MATTHEWS remained inside the closet.

3 28. With MATTHEWS still inside the closet, Deputy SANDOVAL applied a
4 drive-stun to MATTHEWS' left forearm with an X-26P TASER.

5 29. Shortly after this, Deputy SANDOVAL again used his X-26P TASER,
6 this time on MATTHEW's torso.

7 30. Deputy ROMERO deployed his X-26P TASER and, at this point,
8 MATTHEWS complied with law enforcement commands by exiting the closet.

9 31. Deputy VEGA and Deputy SANDOVAL put MATTHEWS up against
10 the wall in order to handcuff MATTHEWS behind his back.

11 32. During the course of being handcuffed, MATTHEWS tucked both his
12 arms in front of his chest and attempted to move away from the wall. The DEPUTY
13 DEFENDANTS performed a "team takedown" of MATTHEWS and pinned him on
14 the ground.

15 33. Deputy SANDOVAL again fired his X26-P TASER, striking
16 MATTHEWS' body.

17 34. With MATTHEWS on the ground under the body weight of Deputy
18 VEGA, Deputy SANDOVAL, and Deputy CONTRERAS, Deputy ROMERO then
19 utilized a control hold by grabbing MATTHEWS hair and striking MATTHEWS once
20 with his fist.

21 35. At this point, Deputy ROMERO reported that MATTHEWS was subdued
22 and laying on the floor under the weight of multiple deputies.

23 36. Despite MATTHEWS remaining on the ground in the process of being
24 handcuffed by multiple deputies and posing no threat to law enforcement, Deputy
25 ROMERO struck MATTHEWS two (2) additional times in the left side of his face.

26 37. At this point, MATTHEWS was successfully handcuffed by Deputy
27 Defendants.
28

1 38. MATTHEWS complained of severe pain to his left eye. Immediately,
2 MATTHEWS' left eye began to swell and bruise.

3 39. The use of force used by Defendant ROMERO against MATTHEWS, and
4 more specifically the continued pummeling of Defendant ROMERO's fists against
5 MATTHEW's face causing a fractured orbital socket and traumatic brain injury,
6 among other ongoing injuries, was so unreasonable, unnecessary, and excessive as to
7 shock the conscience. By this chosen course of action, Defendants have conducted
8 themselves with: 1) spiteful, ill-willed, and/or harmful purpose; 2) unnecessary
9 harshness and severity amounting to an abuse of authority over another's weakness,
10 disability, or misfortune; and/or 3) complete indifference to Plaintiff's and others'
11 rights and safety in the face of manifest risks thereto.

12 40. Accordingly, MATTHEWS is entitled to recover compensatory damages
13 for the severe mental, physical, and emotional pain and suffering to which they
14 subjected him, any physical disability and hindered earning potential they have caused
15 him, and all past and future medical expenses, among other things, in order to deter
16 such despicable conduct by the example of their punishment. In addition to punitive
17 damages against Defendant ROMERO.

18 41. Finally, the various unconstitutional policies, customs, and/or practices in
19 place at the LASD, primarily regarding the use of excessive force against members of
20 the public; as well as pervasive failures to adequately train LASD personnel in mental
21 health crisis recognition and interventions; and the routine permission or
22 encouragement of officer misconduct by LASD and COUNTY policymakers, were
23 substantial moving forces behind Defendants' attack of MATTHEWS. Further, each
24 of the described realities of the LASD's unconstitutional operation have directly caused
25 or otherwise provided for rampant uses of unreasonable, excessive, and deadly force
26 against African Americans and other minority suspects like ELI MATTHEWS and
27 their communities.
28

1 continue to suffer, among other things, severe mental, physical, and emotional distress,
2 lost earning potential, and exorbitant medical expenses.

3 48. The use of force and tactics used by Defendant ROMERO, and DOES 1-
4 10, inclusive, in MATTHEWS' mother's apartment complex, while MATTHEWS
5 suffered through an ongoing mental health crisis, was so unreasonable, unnecessary,
6 and excessive as to shock the conscience. By this chosen course of action, Defendants
7 have conducted themselves with: 1) spiteful, ill-willed, and/or harmful purpose; 2)
8 unnecessary harshness and severity amounting to an abuse of authority over another's
9 weakness, disability, or misfortune; and/or 3) complete indifference to Plaintiff's and
10 others' rights and safety in the face of manifest risks thereto.

11 49. Accordingly, MATTHEWS is entitled to recover punitive damages
12 against the individual Defendant ROMERO, and DOES 1-10, inclusive, in addition to
13 compensation for the severe mental, physical, and emotional pain and suffering to
14 which they subjected him, any physical disability and hindered earning potential they
15 have caused him, and all past and future medical expenses, among other things, in order
16 to deter such despicable conduct by the example of their punishment.

17 **SECOND CLAIM FOR RELIEF**

18 **Failure to Intervene**

19 **Fourth & Fourteenth Amendments (42 U.S.C. § 1983)**

20 **(By Plaintiff against Defendants JAIME ROMERO, ALBERT MACIAS,**
21 **DAVID VEGA, HILDA RUIZ, ABEL SANDOVAL, and DANIEL**
22 **CONTRERAS)**

23 50. Plaintiff realleges and incorporates herein by reference each of the
24 preceding paragraphs of this complaint, and any subsequent paragraphs.

25 51. All of the acts of Defendants JAIME ROMERO, ALBERT MACIAS,
26 DAVID VEGA, HILDA RUIZ, ABEL SANDOVAL, and DANIEL CONTRERAS
27 and the persons involved were done under color of state law.
28

1 52. The acts of the DEPUTY DEFENDANTS deprived MATTHEWS of
2 rights, privileges, and immunities secured by the Constitution and laws of the United
3 States, including but not limited to his rights under the Fourth Amendment of the
4 United States Constitution, incorporated and made applicable to the states by the
5 Fourteenth Amendment, by, among other things, failing to intervene in the unlawful
6 actions of other deputies, including the repeated and brutal assault of MATTHEWS.
7 Plaintiff's injuries resulting from the brutal assault were known consequences from this
8 type of abusive police behavior.

9 53. Each of the DEPUTY DEFENDANTS was both personally involved and
10 an integral participant in the violation of MATTHEWS' constitutional rights because
11 each officer was aware of the unlawful actions of the other deputies, did not object to
12 these violations of MATTHEWS' rights, and participated in the violations by
13 performing law enforcement functions, including meaningful participation in the
14 needless and unnecessary operation to escalate the encounter with MATTHEWS and
15 use excessive force.

16 54. As a direct and proximate result of the DEPUTY DEFENDANTS'
17 unlawful conduct, plaintiff suffered severe physical injury, emotional distress,
18 humiliation and is entitled to monetary damages.

19 55. The conduct of the DEPUTY DEFENDANTS and DOES 1-10 was
20 willful, wanton, malicious, and done with an evil motive and intent and a reckless
21 disregard for the rights of the Plaintiff and therefore warrants the imposition of
22 exemplary and punitive damages against each individual Defendant (but not the entity
23 Defendant) in an amount adequate to punish the wrongdoers and deter future
24 misconduct.

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26 ///

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THIRD CLAIM FOR RELIEF

MUNICIPAL LIABILITY –

UNCONSTITUTIONAL POLICY, CUSTOM, OR PRACTICE

(*Monell*, 42 U.S.C. § 1983)

(By Plaintiff against Defendants COUNTY OF LOS ANGELES and LOS ANGELES COUNTY SHERIFF’S DEPARTMENT)

56. Plaintiff realleges and incorporates by reference each of the forgoing paragraphs of this Complaint with the same force and effect as if fully set forth herein.

57. The present cause of action is brought pursuant to 42 U.S.C. § 1983; *Monell v. Dept. of Social Services*, 436 U.S. 658 (1978); *Canton v. Harris*, 489 U.S. 378 (1989); and all other relevant federal authority under which Defendants LASD and COUNTY are liable for the unconstitutional acts and omissions of its employees, agents, and/or representatives, vis-a-vis the policies, customs, and/or practices that were the moving force behind such misconduct.

58. As set forth in the foregoing claim for relief, Defendants JAIME ROMERO, ALBERT MACIAS, DAVID VEGA, HILDA RUIZ, ABEL SANDOVAL, and DANIEL CONTRERAS, and DOES 1-10, inclusive, committed clear and well-established violations of MATTHEWS’s constitutional rights, under color of law, and while acting within the course and scope of their employment as police officers with Defendant LASD and COUNTY.

59. The complete and utter failure of the Defendants LASD and COUNTY to redress systemic unconstitutional customs and practices and implement procedural safeguards, in all of the ways described in the paragraph to follow, is tantamount to an unconstitutional policy of inaction on account of the facts that: 1) certain unlawful customs or practices have been permitted to grow so widespread commonplace in their usage as to constitute standard operating procedures within the LASD; and 2) the need for more or different training is so obvious, and the inadequacy so likely to result in the

1 violation of constitutional rights set forth herein that the policymakers of the LASD
2 and COUNTY can be reasonably regarded as deliberately indifferent to this need.

3 60. On and for some time prior to January 17, 2023 (and continuing to the
4 present date), Defendants LASD, COUNTY and DOES 6-10, acting with gross
5 negligence and with reckless and deliberate indifference to the rights and liberties of
6 the public in general, and of Plaintiff, and of persons in his class, situation, and
7 comparable position in particular, knowingly maintained, enforced, and applied an
8 official recognized custom, policy, and practice of:

- 9 A. Permitting LASD personnel, such as Defendant ROMERO, to continuously
10 pummel members of the public in the face over and over again resulting in
11 bone fractures, such as the assault and ensuing injury suffered by
12 MATTHEWS;
- 13 B. Permitting LASD personnel, such as Defendant ROMERO, to brutally
14 assault members of the public such as MATTHEWS despite being unarmed;
- 15 C. Permitting LASD personnel to use excessive even after officers have already
16 used force and a perceived threat has been neutralized;
- 17 D. Failing to correct repeated excesses of force, and to adequately train, instill,
18 and retrain LASD personnel on the appropriate standards therefor, de-
19 escalation techniques, familiarity with “less-than-lethal” alternatives to
20 excessive force and confidence in their reliance thereon.
- 21 E. Employing and retaining LASD personnel, including the individual
22 defendants, who are known or reasonably could have been discovered to have
23 high propensities for abusing their authority, omitting crucial duties,
24 mistreating civilians, resorting to excessive force, and failing to follow
25 established agency policies respecting interactions with civilians and their
26 civil rights;
- 27 F. Maintaining vastly inadequate procedures and follow through, if any, for the
28 reporting, investigating, supervising, disciplining, and correcting of

1 intentional misconduct and/or gross negligence by LASD personnel,
2 including the individual defendants;

3 G. Consistently ratifying the intentional misconduct and/or gross negligence of
4 LASD personnel, either through direct endorsements or sustained
5 acquiescence, and thereby fostering a culture of impunity conducive to
6 rampant misconduct and/or flagrance;

7 H. Encouraging, accommodating, or facilitating a “code of silence” among
8 LASD personnel, including the individual defendants, pursuant to which
9 false reports are routinely generated, abuses of power covered up, and
10 whistleblowers discouraged or ousted from law enforcement;

11 I. Actively facilitating the transfer of problem LASD personnel to other
12 stations, divisions, positions, or to other law enforcement agencies altogether,
13 to essentially “bury,” erase, dilute, hide, spread out, etc., these problem actors
14 and their misconduct, thereby allowing them to evade discipline and,
15 likewise, shielding the LASD from accountability;

16 J. Allowing law enforcement personnel to encourage, intimidate, and compel
17 others to “work in gray,” or maintain a “code of silence” or “blue code,”
18 regarding unconstitutional abuses in order to collectively insulate each other
19 from accountability, attract and recruit problematic individuals to law
20 enforcement, and improperly or expeditiously promote problem actors into
21 positions of supervision or
22 authority within the LASD; and

23 K. The many other abuses of power and/or breaches of duty not specifically
24 identified herein.

25 61. The structural and administrative features set forth above
26 regardless of whether expressly adopted, informally entrenched as *de facto* customs or
27 practices due to their widespread and longstanding character, or having materialized in
28

1 the absence of foreseeably necessary safeguards- all constitute standard operating
2 procedures within Defendant LASD and COUNTY.

3 62. Clearly, the DEPUTY DEFENDANTS acted pursuant to the foregoing
4 customs and practices, and were the moving force behind MATTHEWS' constitutional
5 violations.

6 63. As a direct consequence of these realities, the public has endured
7 pervasive misuses of force and/or police killings, lost considerable trust and grown
8 increasingly fearful of local law enforcement, and sustained the exorbitant costs of
9 individualized trauma, family and community destruction, and the perpetual
10 hemorrhaging of public resources in remediation rather than prevention of these
11 problems. In the aggregate, these consequences undermine public safety, wellbeing,
12 liberty, and equity so severely that all COUNTY residents are worse off therefore.

13 64. The perpetual torrent of civilian complaints, litigation, and scrutiny by
14 local, state, and national media, academia, and government officials, has rendered the
15 dire state of affairs within the LASD unignorable and undeniable. At some point well
16 before the brutalization of Plaintiff MATTHEWS, Defendants LASD and COUNTY,
17 and each of the individual supervisory officials thereof, whether named or unnamed,
18 achieved actual or constructive knowledge of the forgoing policies, customs, and
19 practices. Nevertheless, Defendants LASD and COUNTY, by and through its final
20 policymakers, has persisted in tolerating, condoning, or ratifying the above-referenced
21 policies, customs, and practices with deliberate indifference to their unconstitutionality
22 and foreseeable consequences, not least of which resemble those suffered by Plaintiff,
23 Plaintiffs, and other individuals similarly situated.

24 65. But for the sustained deliberate indifference of the Defendants LASD and
25 COUNTY, and the final policymakers thereof, to the absence or utter inadequacy of
26 procedural safeguards so obviously necessary to the prevention of these readily
27 foreseeable harms, the shooting and brutalization of Plaintiff would, to a reasonable
28 certainty, not have occurred. Therefore, the above-referenced policies, customs, and

1 practices adopted, maintained, or still tolerated by Defendants LASD and COUNTY,
 2 and the final policymakers thereof, are so inextricably connected to the unconstitutional
 3 acts and omissions of the individual defendants as to have been the moving force
 4 behind them.

5 66. Accordingly, Defendants LASD and COUNTY should not be held any
 6 less liable for the harms alleged in all other Claims for Relief, that it caused Plaintiff
 7 and Plaintiffs through its employees, who at all times acted or failed to act pursuant to
 8 the LASD's and COUNTY's own policy of inaction, as previously set forth.

9 **FOURTH CLAIM FOR RELIEF**

10 **MUNICIPAL LIABILITY –**

11 **FAILURE TO TRAIN, SUPERVISE, DISCIPLINE OR CORRECT**

12 **(*Monell*, 42 U.S.C. § 1983)**

13 **(By Plaintiff against Defendants COUNTY OF LOS ANGELES and LOS**
 14 **ANGELES COUNTY SHERIFF'S DEPARTMENT)**

15 67. Plaintiff realleges and incorporates by reference each of the forgoing
 16 paragraphs of this Complaint with the same force and effect as if fully set forth herein.

17 68. The present cause of action is brought pursuant to 42 U.S.C. § 1983;
 18 *Monell v. Dept. of Social Services*, 436 U.S. 658 (1978); *City of Canton v. Harris*, 489
 19 U.S. 378 (1989); and all other relevant federal authority under which Defendants
 20 LASD and COUNTY, are liable for the unconstitutional acts and omissions of its
 21 employees, agents, and/or representatives thereof, vis-a-vis the training failures that
 22 were the moving force behind such misconduct.

23 69. Plaintiff MATTHEWS claims that he was deprived of his civil rights as a
 24 result of the Defendants LASD's and COUNTY's failure to train their employees,
 25 including Defendants ROMERO, VEGAS, MACIAS, SANDOVAL, RUIZ,
 26 CONTRERAS, ALVAREZ, and DOES 1-10, inclusive.

27 70. At all relevant times, Defendants ROMERO, VEGAS, MACIAS,
 28 SANDOVAL, RUIZ, CONTRERAS, ALVAREZ, and DOES 1-10, inclusive, were

1 acting in the course of their employment with the Defendants LASD and COUNTY,
2 under color of law. The actions and omissions of Defendants ROMERO, VEGAS,
3 MACIAS, SANDOVAL, RUIZ, CONTRERAS, ALVAREZ, and DOES 1-10,
4 inclusive deprived Plaintiff MATTHEWS of particular rights guaranteed under the
5 laws and Constitutions of the United States and California, as set forth in the relevant,
6 earlier claims for relief.

7 71. Defendants LASD's and COUNTY's training of Defendants ROMERO,
8 VEGAS, MACIAS, SANDOVAL, RUIZ, CONTRERAS, ALVAREZ, and DOES 1-
9 10, inclusive, did not adequately instill the necessary discipline, restraint, and respect
10 for civil rights required of enforcement personnel, especially in light of the Defendants
11 LASD's and COUNTY's decision to continue to employ Defendants ROMERO,
12 VEGAS, MACIAS, SANDOVAL, RUIZ, CONTRERAS, ALVAREZ, and DOES 1-
13 10, inclusive, despite their incompetence.

14 72. Indeed, on and for some time prior to January 17, 2023 (and continuing to
15 the present date), Defendants LASD, COUNTY and DOES 6-10, acting with gross
16 negligence and with reckless and deliberate indifference to the rights and liberties of
17 the public in general, and of Plaintiff, and of persons in his class, situation, and
18 comparable position in particular, failed to train their employees in the following
19 regard:

20 A. Failing to train employees by permitting LASD personnel, such as Defendant
21 ROMERO, to continuously pummel members of the public in the face over
22 and over again resulting in bone fractures, such as the assault and ensuing
23 injury suffered by MATTHEWS;

24 B. Failing to train employees by permitting LASD personnel, such as Defendant
25 ROMERO, to continuously pummel members of the public in the face over
26 and over again resulting in bone fractures, such as the assault and ensuing
27 injury suffered by MATTHEWS;
28

- 1 C. Failing to train employees by permitting LASD personnel to use excessive
2 force even after officers have already used force and a perceived threat has
3 been neutralized;
- 4 D. Failing to train employees by failing to correct repeated excesses of force,
5 and to adequately train, instill, and retrain LASD personnel on the appropriate
6 standards therefor, de-escalation techniques, familiarity with “less-than-
7 lethal” alternatives to excessive force and confidence in their reliance
8 thereon.
- 9 E. Failing to train employees by employing and retaining LASD personnel,
10 including the individual defendants, who are known or reasonably could have
11 been discovered to have high propensities for abusing their authority,
12 omitting crucial duties, mistreating civilians, resorting to excessive force, and
13 failing to follow established agency policies respecting interactions with
14 civilians and their civil rights;
- 15 F. Failing to train employees by maintaining vastly inadequate procedures and
16 follow through, if any, for the reporting, investigating, supervising,
17 disciplining, and correcting of intentional misconduct and/or gross
18 negligence by LASD personnel, including the individual defendants;
- 19 G. Failing to train employees by consistently ratifying the intentional
20 misconduct and/or gross negligence of LASD personnel, either through direct
21 endorsements or sustained acquiescence, and thereby fostering a culture of
22 impunity conducive to rampant misconduct and/or flagrance;
- 23 H. Failing to train employees by encouraging, accommodating, or facilitating a
24 “code of silence” among LASD personnel, including the individual
25 defendants, pursuant to which false reports are routinely generated, abuses of
26 power covered up, and whistleblowers discouraged or ousted from law
27 enforcement;
28

1 I. Failing to train employees by actively facilitating the transfer of problem
2 LASD personnel to other stations, divisions, positions, or to other law
3 enforcement agencies altogether, to essentially “bury,” erase, dilute, hide,
4 spread out, etc., these problem actors and their misconduct, thereby allowing
5 them to evade discipline and, likewise, shielding the LASD from
6 accountability;

7 J. Failing to train employees by allowing law enforcement personnel to
8 encourage, intimidate, and compel others to “work in gray,” or maintain a
9 “code of silence” or “blue code,” regarding unconstitutional abuses in order
10 to collectively insulate each other from accountability, attract and recruit
11 problematic individuals to law enforcement, and improperly or expeditiously
12 promote problem actors into positions of supervision or
13 authority within the LASD; and

14 K. Failing to train employees as shown by the many other abuses of power
15 and/or breaches of duty not specifically identified herein.

16 73. This failure of Defendants LASD and COUNTY to provide adequate
17 training caused the variously alleged deprivations of Plaintiff MATTHEWS’ rights by
18 the individual defendants; that is, the LASD’s and COUNTY’s failure to train is so
19 closely related to the deprivation of MATTHEWS’s rights as to be the moving force
20 that caused his ultimate injuries. Clearly, Defendants LASD and COUNTY were
21 deliberately indifferent to the obvious consequences of its failure to train its officers
22 adequately.

23 74. Defendants LASD and COUNTY knew that their failure to adequately
24 train its deputies made it highly predictable that its deputies would engage in conduct
25 that would deprive persons, such as MATTHEWS, of their rights. Defendants LASD
26 and COUNTY knew that its failure to adequately supervise, direct, and/or coordinate
27 deputies’ use of excessive force against members of the public made it highly
28 predictable that its deputies would engage in conduct that would deprive persons, such

1 as MATTHEWS, of their rights. Defendants LASD and COUNTY are thus deliberately
2 indifferent to the obvious consequences of their failure to train their deputies
3 adequately.

4 75.

5 76. Accordingly, the Defendants LASD and COUNTY are liable for the rights
6 violations perpetrated by its employees, agents, representatives, or officers, including
7 Defendants ROMERO, VEGA, MACIAS, SANDOVAL, RUIZ, CONTRERAS,
8 ALVAREZ, and DOES 1-10, inclusive, on account of the unacceptable failures in their
9 training that precipitated the various harms set forth in all other claims for relief herein.

10 **FIFTH CLAIM FOR RELIEF**

11 **Negligence**

12 **(Plaintiff As Against Defendants)**

13 77. Plaintiff realleges and incorporates herein by reference each of the
14 preceding paragraphs of this complaint, and any subsequent paragraphs.

15 78. The present cause of action is brought pursuant to Cal. Gov. Code §§
16 815.2 and 820. Under Section 820, as a public employee, Defendants ROMERO,
17 VEGA, RUIZ, MACIAS, CONTRERAS, SANDOVAL, ALVAREZ, and DOES 1-5,
18 are liable for injuries caused by his acts or omissions to the same extent as private
19 persons. Under Section 815.2, the defendant public entity, COUNTY, is vicariously
20 liable for injuries caused by the acts or omissions of its employees, officers, and agents,
21 committed within the course and scope of that employment. This cause of action is not
22 alleging direct liability against Defendant COUNTY, only vicarious liability. *See* Cal.
23 Gov. Code § 815.2(a-b); *Zelig v. County of Los Angeles* (2002) 27 Cal.4th 1112, 1128.

24 79. Plaintiff MATTHEWS claims that Defendants ROMERO and DOES 1-5,
25 inclusive, were negligent when they used excessive force on Plaintiff MATTHEWS.

26 80. Defendants JAIME ROMERO, ALBERT MACIAS, DAVID VEGA,
27 HILDA RUIZ, ABEL SANDOVAL, and DANIEL CONTRERAS and DOES 1-5,
28 inclusive, and each of them, owed Plaintiff MATTHEWS a duty of care. Such duty a

1 care owed to Plaintiff MATTHEWS required the DEPUTY DEFENDANTS and
2 DOES 1-5, inclusive, and each of them, to refrain from the use of force including
3 excessive force unless objectively necessary to defend human life, to use reasonable
4 tactics and decision-making ahead of each such resort to excessive force, and to
5 intervene in foreseeable breaches thereof by other peace officers whenever possible.
6 *See* Cal. Pen. Code § 835a; *Hayes v. County of San Diego* (2013) 57 Cal.4th 622, 628-
7 29; CACI 440-441.

8 81. Defendants and DOES 1-5, inclusive, and each of them, breached one or
9 more of these duties by resorting to excessive force unnecessarily, and/or using
10 unreasonable pre-excessive force tactics and decision-making, when Defendants and
11 DOES 1-5, inclusive used excessive force on Plaintiff MATTHEWS by striking
12 Plaintiff MATTHEWS in the face while MATTHEWS was pinned down on the ground
13 and not presenting an imminent threat of death or serious bodily injury.

14 82. The use excessive force to violently strike Plaintiff MATTHEWS was not
15 an accident or inadvertence. Defendants and DOES 1-5 intentionally meant to strike
16 Plaintiff MATTHEWS as was pinned down on the ground.

17 83. Furthermore, Defendants and DOES 1-5, inclusive, and each of them, also
18 breached one or more of these duties by resorting to force unnecessarily, and/or using
19 unreasonable pre-force tactics and decision-making, when Defendants and DOES 1-5,
20 inclusive used force on Plaintiff MATTHEWS by using force to violently strike
21 Plaintiff MATTHEWS in the face while MATTHEWS was pinned down on the ground
22 and not presenting a threat warranting the use of such force.

23 84. As previously set forth, the excessive force/intermediate force used by
24 Defendants and DOES 1-5, inclusive, and each of them, was not necessary to defend
25 human life nor to apprehend a fleeing felon under California law, as Plaintiff
26 MATTHEWS was already pinned down on the ground and not presenting any threat
27 whatsoever. Indeed, the excessive force/intermediate force used by Defendants
28 ROMERO and DOES 1-5 was not “objectively reasonable” under the circumstances.

90. The use of force to violently strike Plaintiff MATTHEWS was not an accident or inadvertence. Defendants ROMERO and DOES 1-10 intentionally meant to strike Plaintiff MATTHEWS as he was pinned down on the ground.

91. Each act or omission was a substantial factor in causing harm to Plaintiff MATTHEWS because the conduct of Defendants ROMERO and DOES 1-10, inclusive, and each of them caused Plaintiff MATTHEWS physical and psychological injuries. Indeed, due to the injuries caused by Defendants ROMERO and DOES 1-10, inclusive, and each of them, Plaintiff MATTHEWS suffered severe physical, mental, and emotional anguish.

92. Further, Defendants ROMERO and DOES 1-10, inclusive, and each of them have demonstrated willful and conscious disregard for Plaintiff MATTHEWS' rights and wellbeing, thereby subjecting Plaintiff MATTHEWS to cruel and unjust hardship. Accordingly, Defendants' conduct was malicious and oppressive under Cal. Civ. Code § 3294, entitling Plaintiff MATTHEWS to recover both punitive and compensatory damages to deter future misconduct by the example of Defendants' punishment.

SEVENTH CLAIM FOR RELIEF

Violation of California Civil Code §52.1

(Tom Bane Act)

(Plaintiff As Against Defendants)

93. Plaintiff realleges and incorporates herein by reference each of the preceding paragraphs of this complaint, and any subsequent paragraphs.

94. The present cause of action is brought pursuant to Cal. Civ. Code § 52.1 as well as Cal. Gov. Code §§ 815.2 and 820. Under Section 820, as a public employee, Defendants ROMERO and DOES 1-10, are liable for injuries caused by his acts or omissions to the same extent as private persons. Under Section 815.2, the defendant public entity, COUNTY, is vicariously liable for injuries caused by the acts or omissions of its employees, officers, and agents, committed within the course and

1 scope of that employment. This cause of action is not alleging direct liability against
2 Defendant COUNTY, only vicarious liability. *See* Cal. Gov. Code § 815.2(a-b); *Zelig*
3 *v. County of Los Angeles* (2002) 27 Cal.4th 1112, 1128.

4 95. Additionally, Cal. Civ. Code § 52.1(b) authorizes a private right of action
5 for damages by any person whose constitutional rights are violated by use of threats,
6 intimidation, or coercion. Importantly, Section 52.1 serves as an analogous state-law
7 basis for bringing excessive/unreasonable force claims as that provided under the
8 Fourth Amendment to the United States Constitution. *See Chaudhry v. City of Los*
9 *Angeles*, 751 F.3d 1096, 1105-6 (9th Cir. 2014) (citing *Cameron v. Craig*, 713 F.3d
10 1012, 1022 (9th Cir.2013) (“[T]he elements of the excessive force claim under § 52.1
11 are the same as under § 1983.”)); *Bender v. Cnty. of L.A.*, 217 Cal.App.4th 968, 976
12 (2013) (“an unlawful [seizure]—when accompanied by unnecessary, deliberate, and
13 excessive force—is [] within the protection of the Bane Act.”).

14 96. As previously set forth, Defendants ROMERO and DOES 1-10, inclusive,
15 and each of them, either intentionally used deadly/intermediate force on Plaintiff
16 MATTHEWS thereby interfering with the exercise and enjoyment of his civil rights
17 under the laws and Constitutions of the United States and California, including but not
18 limited to the rights to be free from unreasonable seizure and excessive force (U.S.
19 Const. amend. IV; and Cal. Const. Art. I § 13), the right to due process (U.S. Const.
20 amend. XIV; and Cal. Const. Art. I § 7(a)), and the right to protection from undue
21 restraint and/or harm to life, liberty, and property (Cal. Const. Art. I § 1).

22 97. Defendants ROMERO and DOES 1-10, inclusive, and each of them, acted
23 with the specific intent to interfere, or attempt to interfere, with Plaintiff MATTHEWS’
24 right to be free from unreasonable seizures through threats, intimidation, and coercion.
25 Indeed, based upon Plaintiff MATTHEWS not being a threat or danger or anyone
26 including Defendants ROMERO and DOES 1-10, inclusive, and each of them, it is
27 clear that Defendants ROMERO and DOES 1-10, inclusive, and each of them, acted
28

1 with the specific intent to interfere, or attempt to interfere, with Plaintiff MATTHEWS'
2 rights.

3 98. In interfering with Plaintiff MATTHEWS' rights, Defendants ROMERO
4 and DOES 1-10, inclusive used threats, intimidation, and coercion in using an
5 excessive/intermediate force which was excessive reflecting a clear and specific intent
6 to deprive Plaintiff MATTHEWS of the aforementioned rights and liberties, and/or a
7 reckless disregard for substantial risks of violations thereof.

8 99. The use of force to violently strike Plaintiff MATTHEWS was not an
9 accident or inadvertence. Defendants ROMERO and DOES 1-10 intentionally meant
10 to strike Plaintiff MATTHEWS as he was pinned down on the ground showing that
11 Defendants ROMERO and DOES 1-10 acted with the specific intent to deprive
12 Plaintiff of his rights through threats, intimidation, and coercion.

13 100. Each act or omission was a substantial factor in causing harm to Plaintiff
14 MATTHEWS because the conduct of Defendants ROMERO and DOES 1-10,
15 inclusive, and each of them caused Plaintiff MATTHEWS physical and psychological
16 injuries. Indeed, due to the injuries caused by Defendants ROMERO and DOES 1-10,
17 inclusive, and each of them, Plaintiff MATTHEWS suffered severe physical, mental,
18 and emotional anguish.

19 101. Further, Defendants ROMERO and DOES 1-10, inclusive, and each of
20 them have demonstrated willful and conscious disregard for Plaintiff MATTHEWS'
21 rights and wellbeing, thereby subjecting Plaintiff MATTHEWS to cruel and unjust
22 hardship. Accordingly, Defendants' conduct was malicious and oppressive under Cal.
23 Civ. Code § 3294, entitling Plaintiff MATTHEWS to recover both punitive and
24 compensatory damages to deter future misconduct by the example of Defendants'
25 punishment.

26 102. Finally, based upon the conduct of Defendants ROMERO and DOES 1-
27 10, inclusive, and each of them, violating the Bane Act, Plaintiff is entitled to a
28

multiplier of damages, civil penalties of \$25,000 and the reasonable value of attorneys' fees and costs, as authorized under Cal. Civ. Code § 52.

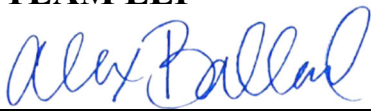
PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests entry of judgment in his favor and against Defendants as follows:

- A. For compensatory and special damages including but not limited to Plaintiff's physical, mental, and emotional pain and suffering, physical injuries, any hindered physical ability or earning potential; as well as all past, present, and future related medical expenses, in an amount according to proof at trial;
- B. For punitive damages against the individual defendants in an amount to be proven at trial;
- C. For the reasonable attorneys' fees and costs allowed under 42 U.S.C. § 1988, in an amount to be proven at trial;
- D. For interest;
- E. For all other damages allowed under federal law; and
- F. For such further relief as the Court may deem proper and just.

Dated: February 22, 2024

**ARIAS SANGUINETTI WANG
& TEAM LLP**

By: 
MIKE ARIAS, ESQ.
ALEX BALLARD, ESQ.

Dated: February 22, 2024

GASTÉLUM LAW, APC

By: 
DENISSE GASTÉLUM, ESQ.

Attorneys for Plaintiff,
ELI MATTHEWS

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all claims for relief alleged herein.

Dated: February 22, 2024

**ARIAS SANGUINETTI WANG
& TEAM LLP**

By: 
MIKE ARIAS, ESQ.
ALEX BALLARD, ESQ.

Dated: February 22, 2024

GASTÉLUM LAW, APC

By: 
DENISSE GASTÉLUM, ESQ.

Attorneys for Plaintiff,
ELI MATTHEWS